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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1145 OF 2002

Union of India Appellant
versus
Sanjaykumar Shivchand and others Respondents

Mr.A.N.Sawant for the appellant.
A.M.Dayama for respondents.

CORAM : A.S.OKA, J.

DATE : 09th March 2007

PC :

1. Heard advocate for the appellant and the advocate for the respondents. The advocates for the parties state that the appeal may be disposed of by passing an order in terms of the order in First Appeal No.280 of 1999 with modification that the rate of interest shall be @ 6% p.a. instead of 4% p.a. as provided in order passed in First Appeal No.280 of 1999.

2. I have perused the order dated 3rd May 2006 passed in the said First Appeal No.280 of 1999. Considering the facts and circumstances of the case, the appeal can be disposed of by passing a

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similar order. Hence, following order:

a) The liability of payment will be that of the General Manager, Central Railway only;

b) The principal amount awarded by the Claims Tribunal shall carry interest @ 6% p.a. from the date of application till realisation or till the date of payment/deposit with proportionate costs;

c) The amount deposited, if found in excess after calculation, shall be returned/refunded to the Central Railway;

d) The respondents shall be at liberty to withdraw the amount as per the above calculation;

e) The appeal is partly allowed in above terms;

f) There will be no order as to costs.

(A.S.OKA, J.)